

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GARY L. ANDREWS and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, Oklahoma City, OK

*Docket No. 99-1380; Submitted on the Record;
Issued August 18, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant established a recurrence of disability commencing October 6, 1998 causally related to his employment injury.

In the present case, appellant filed a claim alleging that he sustained a left elbow injury in the performance of duty on March 13, 1998 while lifting a heavy bag. The Office of Workers' Compensation Programs accepted that appellant sustained aggravation of synovial chondromatosis of the left elbow and aggravation of osteocartilaginous loose bodies in the left elbow. Appellant returned to a light-duty position on June 30, 1998 then began working regular duty as of September 22, 1998.¹

On November 13, 1998 appellant filed a notice of recurrence of disability for the period October 6 through October 12, 1998. By decision dated December 30, 1998, the Office denied the recurrence of disability commencing October 6, 1998.²

The Board has reviewed the record and finds that appellant has not established a recurrence of disability commencing October 6, 1998.

A person who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which he claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the

¹ The record indicates that appellant underwent elbow surgery on August 3, 1998.

² A schedule award was issued on February 11, 1999; appellant did not request review of this decision.

disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.³

The record indicates that appellant was treated at the employing establishment health unit on October 6, 1998. The form report diagnoses tendinitis of the left elbow and status post loose body surgery. The report does not contain an opinion as to causal relationship with employment. Appellant states on appeal that he was sent home and he could not obtain a medical report from his attending physician returning him to work until October 13, 1998. However, appellant failed to submit probative medical evidence containing a medical opinion that he was disabled for work due to the accepted employment injury commencing October 6, 1998. Appellant submitted a report dated November 6, 1998 from Dr. John Hughes, an osteopath, but this report does not discuss disability commencing October 6, 1998. It is appellant's burden of proof to submit sufficient medical evidence and the Board finds that he did not meet his burden in this case.

The decision of the Office of Workers' Compensation Programs dated December 30, 1998 is affirmed.

Dated, Washington, D.C.
August 18, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

³ *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).